

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen/797-1030

SUBJECT: Resolution

AFFECTED DISTRICT: TOWN WIDE

TITLE A

AND EXECUTING THE NINETEENTH AMENDMENT TO 1988 INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX ORDINANCE.

REPORT IN BRIEF: Broward County collects local option gasoline taxes and distributes these funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% Municipal. The Municipal distribution is calculated on the basis of incorporated area population formula for Year 2002 reflects a population increase of 2,078 and an increased distribution percentage from 1.879881 to 1.885544. With regard to population , the agreement specifically utilized University of Florida data for all cities.

PREVIOUS ACTIONS: R-01-151

CONCURRENCES: N/A

FISCAL IMPACT:

Has request been budgeted? N/A

If yes, expected cost:

Account Name:

Additional Comments:

Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Resolution

Nineteenth Amendment to Interlocal Agreement

RESOLUTION _____

A
NINETEENTH
COUNTY
THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD
COUNTY LOCAL OPTION GAS TAX ORDINANCE.

RESOLUTION

AND

WHEREAS,

on

30 year extension of the six cent Local Option Gas Tax; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the Nineteenth
Amendment to the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The appropriate Town officials are hereby authorized to execute the Nineteenth
Amendment of the Interlocal Agreement with Broward County, attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2002

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002

NINETEENTH AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

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TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

This is the Nineteenth Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "TOWN."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities

representing a majority of the population of the incorporated area within the county which establishes the distribution formulas for dividing the proceeds of the tax among the county and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement and the prior eighteen amendments, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and TOWN agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior eighteen amendments, is amended to read as follows:

2. Sixty-two and fifty hundredths percent (62.5%) of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining thirty-seven and fifty hundredths percent (37.5%) shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Individual Municipality x 37.5% =
Total Incorporated Area Population

<u>Recipients</u>	<u>FY 2003 Share of Proceeds</u>
Coconut Creek	1.103169%
Cooper City	0.681867%
Coral Springs	2.910429%
Dania Beach	0.552590%
Davie	1.885544%
Deerfield Beach	1.574106%
Fort Lauderdale	3.761030%
Hallandale Beach	0.830969%
Hillsboro Beach	0.052593%
Hollywood	3.403107%
Lauderdale-by-the-Sea	0.256712%
Lauderdale Lakes	0.769312%
Lauderhill	1.401228%
Lazy Lake	0.000824%
Lighthouse Point	0.262456%

Margate	1.311941%
Miramar	1.910144%
North Lauderdale	0.799123%
Oakland Park	0.764489%
Parkland	0.366091%
Pembroke Park	0.160663%
Pembroke Pines	3.433305%
Plantation	2.022407%
Pompano Beach	2.040681%
Sea Ranch Lakes	0.015584%
Southwest Ranches	0.174308%
Sunrise	2.100424%
Tamarac	1.358378%
Weston	1.288383%
Wilton Manors	0.308142%

Total Incorporated 37.500000%

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior Eighteen amendments, is amended to read as follows:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	45,517
Cooper City	28,134
Coral Springs	120,085
Dania Beach	22,800
Davie	77,798
Deerfield Beach	64,948
Fort Lauderdale	155,181
Hallandale Beach	34,286
Hillsboro Beach	2,170
Hollywood	140,413
Lauderdale-by-the-Sea	10,592
Lauderdale Lakes	31,742
Lauderhill	57,815
Lazy Lake	34
Lighthouse Point	10,829
Margate	54,131
Miramar	78,813

North Lauderdale	32,972
Oakland Park	31,543
Parkland	15,105
Pembroke Park	6,629
Pembroke Pines	141,659
Plantation	83,445
Pompano Beach	84,199
Sea Ranch Lakes	643
Southwest Ranches	7,192
Sunrise	86,664
Tamarac	56,047
Weston	53,159
<u>Wilton Manors</u>	<u>12,714</u>
Total	1,547,259
Unincorporated Area	102,666
Total County	1,649,925

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this Nineteenth Amendment and the Agreement and/or the Addendum to the Agreement and/or First through the Eighteenth Amendment, the parties hereby agree that this document shall control.

4. This Nineteenth Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this Nineteenth Amendment prior to June 1, 2002.

5. This Nineteenth Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6. In the event a portion of this Nineteenth Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this Nineteenth Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Chair or Vice Chair, authorized to execute same by Board action on the ____ day of _____, 20____, and TOWN, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Lori Nance Parrish, Chair
____ day of _____, 2002.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Pamela M. Kane
Assistant County Attorney

NINETEENTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD
COUNTY AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF
THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL
OPTION GAS TAX ORDINANCE

TOWN

WITNESSES:

TOWN OF DAVIE

By _____
Mayor-Commissioner

____ day of _____, 2002.

ATTEST:

By _____
TOWN Clerk

TOWN Manager

____ day of _____, 2002.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
TOWN Attorney

PMK

April 8, 2002

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